

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FEDERAL INSURANCE COMPANY, an )  
Indiana Corporation, )  
Plaintiff, )  
v. )  
CONTINENTAL CASUALTY COMPANY, )  
Intervenor Plaintiff, )  
v. )  
DANIEL A. D'ANIELLO, ANTHONY J. ) 2:05-cv-305  
DeLUCA, PHILIP B. DOLAN, )  
E. MARTIN GIBSON, FRANCIS J. )  
HARVEY, JAMES C. MCGILL, RICHARD )  
W. POGUE, ROBERT F. PUGLIESE, )  
CHARLES W. SCHMIDT, )  
HARRY J. SOOSE, and JAMES DAVID )  
WATKINS, )  
Defendants. )

**MEMORANDUM ORDER**

Before the Court for consideration and disposition are THE INDIVIDUAL DEFENDANTS' MOTION TO COMPEL DISCOVERY RESPONSES FROM FEDERAL INSURANCE COMPANY AND A RULE 30(b)(6) DEPOSITION, with brief in support (*Document Nos. 55 & 56*) and the contemporaneously filed MOTION FOR AMENDMENT OF SCHEDULING DEADLINES (*Document No. 57*). In response thereto, plaintiff Federal Insurance Company, Inc. has filed its MEMORANDUM IN OPPOSITION TO INDIVIDUAL DEFENDANTS' MOTION TO COMPEL DISCOVERY RESPONSES AND RULE 30(b)(6) DEPOSITIONS and its MEMORANDUM IN OPPOSITION TO INDIVIDUAL DEFENDANTS' MOTION FOR AMENDMENT OF SCHEDULING DEADLINES (*Document Nos. 55 & 56*). The Individual Defendants have also filed a reply brief (*Document No. 70*).<sup>1</sup>

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<sup>1</sup>. Additionally, Plaintiff Continental Casualty Company has filed its RESPONSE TO THE INDIVIDUAL DEFENDANTS' MOTION FOR AMENDMENT OF SCHEDULING DEADLINES (*Document No. 63*), and defendant Anthony J. DeLuca has filed his RESPONSE IN SUPPORT OF MOTION FOR AMENDMENT OF SCHEDULING DEADLINES (*Document*

In their Motion to Compel, the Individual Defendants move the Court for an order directing plaintiff Federal Insurance Company (“Federal”) to 1) supplement its responses to their discovery requests and 2) produce a corporate designee to sit for a Rule 30(b)(6) deposition. Their related Motion for Amendment of Scheduling Deadlines seeks an extension of time to complete discovery of the information that is the subject of the Motion to Compel. Among other reasons, Federal opposes the requested relief on the basis that the parol evidence sought by the Individual Defendants will only become relevant if the Court determines that the insurance contract language at issue in this declaratory judgment action is ambiguous. *See* Federal’s Response to Motion to Compel at 5. The Court agrees with Federal, and also observes that the remaining rationales set forth in their Response to Motion to Compel are essentially meritorious. It also appears that the relief sought by the Individual Defendants is contrary to the rationale underlying the Court’s earlier decision to bifurcate this action. Finally, given the resolution of the Motion to Compel, there appears to be no need to allow an additional extension of time to complete discovery.

NOW THEREFORE, this 26th day of July, 2006, it is hereby **ORDERED, ADJUDGED and DECREED** that The Individual Defendants’ Motion to Compel Discovery Responses from Federal Insurance Company and a Rule 30(b)(6) Deposition (*Document No. 55*) and the Motion for Amendment of Scheduling Deadlines (*Document No. 57*) are DENIED. In the event that additional discovery is necessitated by a determination that the insurance policy at issue is ambiguous, the Court will allow an additional period of discovery.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Court Judge

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*No. 64).* The Court has fully reviewed and considered these filings, as well as those referenced in the text.

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